



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Second day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20694 of 2018

A.RAMACHANDRAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
MAYANOR POLICE STATION,
KARUR DISTRICT.
(CRIME NO.312/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.MATHIYALAGAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

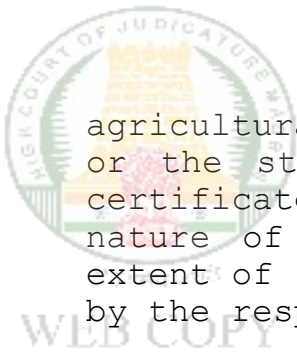
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 420 and 465 IPC and Section 15(3) of the Indian Medical Council Act, 1956, in Crime No.312 of 2018, seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3.The case of the prosecution is that the petitioner is said to have given allopathy treatment to the patients without required qualification. The petitioner's father was a Homeopathy Doctor, who died long back. The defacto complainant, who is the Joint Director of Medical Science in Karur District, has conducted an inspection and saw the petitioner giving allopathy treatment. On seeing him, the petitioner ran away from the place of occurrence. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner felt guilty of treating allopathy medicine. After the demise of his father, the petitioner has been looking his



agricultural field and he cannot walk without help of other person or the stick. He is a polio affected person and produced the certificate issued by the Government, wherein it is stated that the nature of disability of the petitioner is residual polio to the extent of 40%. therefore, the petitioner cannot run away as claimed by the respondent.

5. Taking into consideration the facts of the case and the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kulithalai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/11/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO. II,
KULITHALAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3. THE INSPECTOR OF POLICE,
MAYANOR POLICE STATION,
KARUR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR. R. MATHIYALAGAN Advocate SR. No. 21927

ORDER

IN

CRL OP (MD) No. 20694 of 2018

Date : 22/11/2018

AE/PN/SAR2/26.11.2018/3P/6C